

AMENDED IN ASSEMBLY APRIL 2, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 614

Introduced by Assembly Member Lowenthal
(Principal coauthor: Assembly Member Strickland)

February 19, 2003

An act to add Chapter 1.5 (commencing with Section 18500) to Division 8 of the Business and Professions Code, relating to athletic trainers.

LEGISLATIVE COUNSEL'S DIGEST

AB 614, as amended, Lowenthal. Athletic trainers.

Existing law, the Medical Practice Act, creates the Medical Board of California and makes it responsible for licensing and regulating the practice of a physician and surgeon.

This bill, which would be known as the Athletic Trainers Act, would create the Athletic Trainer Examining Committee within the jurisdiction of the Medical Board of California. The bill would make the board and the committee responsible for ~~certifying~~ *licensing* and regulating those engaged in providing athletic training, as defined. Because the bill would make it a crime to violate its provisions pertaining to athletic trainers, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 1.5 (commencing with Section 18500)
2 is added to Division 8 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 1.5. ATHLETIC TRAINERS

6
7 Article 1. General Provisions

8
9 18500. This chapter shall be known as the Athletic Trainers
10 Act.

11 18501. The Legislature finds and declares that the practice of
12 athletic training in California affects the public health, safety, and
13 welfare. It is, therefore, in the public interest to regulate and
14 control this practice in order to protect the public from the
15 unauthorized and unqualified practice of athletic training.

16 18502. For purposes of this chapter the following definitions
17 apply:

18 (a) “Athletic training” means the practice of prevention,
19 recognition, assessment, management, treatment, disposition, and
20 reconditioning of injuries provided to a physically active person
21 under the ~~supervision~~ *direction* of a licensed physician ~~and~~
22 ~~surgeon~~. This practice includes the following:

23 (1) The use of heat, light, sound, cold, electricity, exercise,
24 rehabilitation, or mechanical devices related to the care and the
25 conditioning of a physically active person.

26 (2) The organization and administration of educational
27 programs ~~and athletic facilities~~.

28 (3) The education and counseling of the public on matters
29 related to athletic training.

30 (b) “Athletic trainer” means a person who holds himself or
31 herself out to the public as ~~an athletic trainer or as a certified a~~
32 *licensed* athletic trainer.

33 (c) “Board” means the Medical Board of California.

(d) ~~“Certified~~ *“Licensed athletic trainer”* means a person ~~certified licensed~~ under this chapter to practice athletic training.

(e) *“Examining committee”* means the Athletic Trainer Examining Committee.

(f) *“Reconditioning”* means the use of exercise and modalities to enable a physically active person to return to activity.

Article 2. Administration

18510. There is within the jurisdiction of the board an Athletic Trainer Examining Committee. The examining committee shall enforce and administer this chapter.

18511. The examining committee shall be composed of ~~three~~ *two* athletic trainers and two licensed physicians ~~and surgeons who practice sports medicine and~~ who are currently serving on the board. The athletic trainer members shall be appointed by the Governor.

18512. (a) The athletic trainer members shall be appointed from persons having the following qualifications:

(1) Residency in California.

(2) Completion of at least five years of experience in athletic training or athletic training education, being actively engaged in these fields for at least three years immediately preceding appointment.

(b) Subsequent to their initial appointment to the examining committee, the athletic trainer members shall obtain ~~certification~~ *licensure* as an athletic trainer in this state.

18513. (a) The physician ~~and surgeon~~ members shall serve on the examining committee for the length of their term on the board.

(b) The athletic trainer members shall determine by lot the duration of their initial term on the examining committee, with one serving for two years, one serving for three years, and one serving for four years. Thereafter, the term of the athletic trainer members on the examining committee shall be four years.

(c) No member shall serve on the examining committee for more than two consecutive terms.

18514. The appointing power shall have the authority to remove any member of the examining committee from office for

1 neglect of any duty required by law or for unprofessional or
2 dishonorable conduct.

3 18515. (a) The examining committee shall hold at least one
4 regular meeting annually and elect one of its members as
5 chairperson at that meeting. The examining committee may
6 convene from time to time until its business is concluded. Special
7 meetings may be held at any time and place as the examining
8 committee may designate. Additional meetings may be held upon
9 call of the chairperson or at the written request of any two members
10 of the examining committee.

11 (b) Notice of each regular or special meeting shall be sent to all
12 committee members 15 days prior to the meeting.

13 18516. Each member of the examining committee shall
14 receive a per diem and expenses as provided in Section 103.

15 18517. The examining committee shall examine applicants
16 for ~~certification~~ *licensure*, as provided by this chapter, at those
17 places and times as shall be designated by the examining
18 committee in its discretion.

19 18518. Unless disapproved by a $\frac{2}{3}$ vote of the board, the
20 examining committee shall adopt, amend, or repeal regulations as
21 may be necessary to effectuate this chapter. In adopting,
22 amending, or repealing these regulations, the examining
23 committee shall comply with the provisions of Chapter 3.5
24 (commencing with Section 11340) of Part 1 of Division 3 of Title
25 2 of the Government Code.

26
27 Article 3. ~~Certification~~ *Licensure* of Practitioners

28
29 18520. All applications for ~~certification~~ *licensure* as an
30 athletic trainer shall be filed with the examining committee. Each
31 application shall be accompanied by the application fee in an
32 amount established by the examining committee, shall be signed
33 by the applicant, and shall contain a statement under oath of the
34 facts required for the applicant either to receive a ~~certificate~~ *license*
35 without examination or to take the ~~certification~~ *licensing*
36 examination. The application shall contain information as the
37 examining committee deems necessary to determine the
38 qualifications of the applicant.

39 18521. (a) An applicant shall, ~~at the time of application, be~~
40 ~~18 years of age or older, possess a high school diploma or its~~

1 ~~equivalent as determined by the examining committee, and have~~
2 successfully completed a course of ~~training~~ *study* approved by the
3 examining committee.

4 (b) An applicant whose training is based on a diploma issued
5 by a foreign athletic training school or on a certificate or license
6 issued by another state, district, or territory of the United States,
7 shall furnish documentary evidence, satisfactory to the examining
8 committee, that he or she has completed athletic training school.

9 18522. The examining committee shall investigate each
10 applicant to determine whether he or she possesses the
11 qualifications required by this chapter.

12 18523. The examining committee may deny an application
13 for any ground described in Section 480.

14 18524. (a) An applicant who has filed an application under
15 this chapter may perform as an athletic trainer under the direct and
16 immediate supervision of a ~~certified~~ *licensed* athletic trainer.
17 During this period, the applicant shall be identified only as an
18 “athletic trainer ~~certification~~ *licensure* applicant.”

19 (b) All privileges under this section shall automatically cease
20 on the date specified by the examining committee if the applicant
21 fails without due cause to take the next succeeding examination or
22 fails to obtain a passing score on the examination and receive
23 ~~certification~~ *licensure*.

24 18525. (a) The applicant shall obtain a passing score on the
25 ~~written and practical~~ examination, as provided in this chapter,
26 within one year of the date of his or her application. This
27 requirement shall not apply to an applicant who, at the time of his
28 or her application, demonstrates to the satisfaction of the
29 examining committee that he or she has obtained a passing score
30 on an examination for credentialing in another state, district, or
31 territory of the United States that the examining committee
32 determines is equivalent to the examination required by this state
33 for ~~certification~~ *licensure* as an athletic trainer.

34 (b) Nothing in this section shall prohibit the examining
35 committee from disapproving any foreign athletic training school
36 nor from denying ~~certification~~ *licensure* if the examining
37 committee determines that the instruction received by the
38 applicant is not equivalent to that required in this chapter for
39 ~~certification~~ *licensure* as an athletic trainer.

1 18526. (a) Except as otherwise provided in this chapter, no
2 person shall receive a ~~certification~~ *licensure* under this chapter
3 without obtaining a passing score on an examination given under
4 the direction of the examining committee. The examination shall
5 ~~consist of both a written and practical examination and shall be~~
6 conducted by those persons and in the manner prescribed by the
7 examining committee.

8 (b) An examination for ~~certification~~ *licensure* as an athletic
9 trainer may be conducted by the examining committee under a
10 uniform examination system. The examining committee may
11 contract with an organization furnishing examination materials for
12 this purpose. If the examining committee conducts its examination
13 under a uniform system, all applicants who are required to obtain
14 a passing score on the examination for ~~certification~~ *licensure* as an
15 athletic trainer shall take and pass that examination.

16 (c) The examination for ~~certification~~ *licensure* as an athletic
17 trainer shall reasonably test the applicant's knowledge of ~~anatomy,~~
18 ~~physiology, pathology, recognition of athletic injuries, care and~~
19 ~~prevention of athletic injuries, therapeutic modalities, and~~
20 ~~pharmacology.~~ The scope of subjects tested on the examination
21 ~~shall also include, but not be limited to, the use of heat, cold, light,~~
22 ~~sound, and electricity for reconditioning physically active people.~~
23 *based upon a job analysis for entry-level athletic trainers or a*
24 *similar psychometrically sound tool acceptable to the board. The*
25 *examination shall meet accepted psychometric requirements.*

26 (d) Every applicant who satisfies the requirements of this
27 chapter and receives a passing score, as established by the
28 examining committee, on the examination shall be recommended
29 by the examining committee for ~~certification~~ *licensure* as an
30 athletic trainer.

31 18527. A person currently practicing as an athletic trainer
32 who has passed a ~~written and practical~~ *an* examination and holds
33 current certification as an athletic trainer approved by the National
34 Commission of Health Certifying Agencies or certification
35 deemed acceptable by the examining committee, may apply for
36 ~~certification~~ *licensure* as an athletic trainer at any time prior to
37 January 1, 2005. The examining committee, upon reviewing and
38 approving the application, shall recommended to the board that it
39 issue a ~~certificate~~ *license* to the applicant without the applicant
40 taking the examination otherwise required by this article.

1 18528. Upon the recommendation of the examining
2 committee, the board shall issue the applicant a ~~certificate~~ *license*
3 to practice athletic training.

4
5 Article 4. ~~Certification~~ *Licensure* Renewal
6

7 18530. As a condition of ~~certification~~ *license* renewal, the
8 board may require the completion of continuing education courses
9 approved by the examining committee. Forms, provided by the
10 board, documenting the completion of those courses shall be
11 submitted to the board with the renewal fee.

12
13 Article 5. Suspension, Revocation, and Reinstatement of
14 ~~Certificates~~ *Licenses*
15

16 18540. (a) The board, upon the recommendation of the
17 examining committee, may take disciplinary action against a
18 ~~certified licensed~~ athletic trainer for any of the causes described in
19 subdivision (b). The board, upon a $\frac{2}{3}$ vote of its membership, may
20 disapprove a recommendation for disciplinary action submitted to
21 it by the examining committee.

22 (b) The following causes constitute grounds for disciplinary
23 action:

24 (1) Advertising in violation of Section 651 or 17500.

25 (2) Fraud in the procurement of ~~certification~~ *licensure* under
26 this chapter.

27 (3) Knowingly employing a person as an athletic trainer who
28 is not ~~certified licensed~~ under this chapter.

29 (4) Conviction of a crime that substantially relates to the
30 qualifications, functions, or duties of an athletic trainer. The record
31 of conviction or a certified copy thereof shall be conclusive
32 evidence of the conviction.

33 (5) Impersonating or acting as a proxy for an applicant in any
34 examination given under this chapter.

35 (6) Habitual intemperance.

36 (7) Addiction to the use of any controlled substance.

37 (8) Gross negligence or incompetence in his or her practice as
38 an athletic trainer.

39 (9) Conviction of a violation of any of the provisions of this
40 chapter or violating, attempting to violate, directly or indirectly,

1 or assisting in or abetting the violation of or conspiring to violate
2 any provision of this chapter or any regulation adopted under this
3 chapter.

4 (10) The aiding or abetting of any person to engage in the
5 unlawful practice of athletic training.

6 (11) The commission of any fraudulent, dishonest, or corrupt
7 act that is substantially related to the qualifications, functions, or
8 duties of an athletic trainer.

9 (c) Disciplinary action under this section includes, but is not
10 limited to, suspending or revoking a ~~certificate~~ *license* issued
11 under this chapter or placing the ~~certificate~~ *license* on probationary
12 status subject to conditions imposed by the board.

13 18541. One year from the date of revocation of a ~~certificate~~
14 *license*, application may be made to the examining committee for
15 its reinstatement. The examining committee shall have discretion
16 to accept or reject an application for reinstatement and may require
17 an examination for reinstatement of the ~~certificate~~ *license*.

18 18542. All proceedings under this article shall be conducted
19 in accordance with the provisions of Chapter 5 (commencing with
20 Section 11500) of Part 1 of Division 3 of Title 2 of the Government
21 Code.

22 Article 6. Offenses and Enforcement

23
24 18550. Except as otherwise provided in this chapter, no
25 person shall engage in the practice of athletic training or represent
26 himself or herself to be an athletic trainer or use the abbreviations
27 ~~ATC-L~~ *LAT* without a ~~certificate~~ *license* issued under this chapter.

28 18551. Any person who violates any provision of this chapter
29 is guilty of a misdemeanor. Each violation constitutes a separate
30 offense punishable by a fine not exceeding two thousand five
31 hundred dollars (\$2,500) or by imprisonment in a county jail for
32 a period not exceeding six months or by both that fine and
33 imprisonment.

34 18552. Whenever any person has engaged or is about to
35 engage in any act or practice that constitutes a violation of this
36 chapter, the superior court of any county, on application of the
37 examining committee or 10 or more ~~certified~~ *licensed* athletic
38 trainers, may issue an injunction or other appropriate order
39 restraining that conduct. The proceedings shall be conducted in
40

1 accordance with the provisions of Chapter 3 (commencing with
2 Section 525) of Title 7 of Part 2 of the Code of Civil Procedure,
3 except no undertaking shall be required.

4 18553. This chapter does not prohibit any of the following:

5 (a) The performance of athletic training that is an integral part
6 of the program of study.

7 (b) Self-care or the gratuitous care performed on a person by a
8 friend or family member who does not represent or hold himself
9 or herself out to be a certified athletic trainer.

10 (c) A paid or volunteer coach while practicing preventative
11 injury techniques or applying first aid.

12 (d) The performance of emergency procedures by licensed
13 emergency medical personnel.

14 (e) The performance of duties by a person who is authorized to
15 perform those duties by his or her license or certificate.

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

